JS 44   (Rev. 04/21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet.   *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. PLAINTIFF
ZANTAZ ENTERPRISE ARCHIVE SOLUTION,
LLC f/k/a CAPAX DISCOVERY, LLC,
Erie County, NY
(EXCEPT IN U.S. PLAINTIFF CASES)

(b) County of Residence of First Listed Plaintiff

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Robert E. Gallagher, Jr.
5110 Main Street
Williamsville, NY 14221   (716) 796-5415

DEFENDANT
MCKESSON CORPORATION

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*
Eleanor M. Yost
Carlton Fields, P.A. 4221 W. Boy Scout Blvd., Suite 1000 Tampa, FL 33607
(813)223-7000

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

☐ 1 U.S. Government Plaintiff	☐ 3 Federal Question *(U.S. Government Not a Party)*
☐ 2 U.S. Government Defendant	☒ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☒ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☒ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance	**PERSONAL INJURY** **PERSONAL INJURY**	☐ 625 Drug Related Seizure of Property 21 USC 881	☐ 422 Appeal 28 USC 158	☐ 375 False Claims Act
☐ 120 Marine	☐ 310 Airplane ☐ 365 Personal Injury -	☐ 690 Other	☐ 423 Withdrawal 28 USC 157	☐ 376 Qui Tam (31 USC 3729(a))
☐ 130 Miller Act	☐ 315 Airplane Product Product Liability			☐ 400 State Reapportionment
☐ 140 Negotiable Instrument	Liability ☐ 367 Health Care/		**INTELLECTUAL PROPERTY RIGHTS**	☐ 410 Antitrust
☐ 150 Recovery of Overpayment & Enforcement of Judgment	☐ 320 Assault, Libel & Pharmaceutical		☐ 820 Copyrights	☐ 430 Banks and Banking
☐ 151 Medicare Act	Slander Personal Injury		☐ 830 Patent	☐ 450 Commerce
☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)	☐ 330 Federal Employers' Product Liability		☐ 835 Patent - Abbreviated New Drug Application	☐ 460 Deportation
	Liability ☐ 368 Asbestos Personal		☐ 840 Trademark	☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 153 Recovery of Overpayment of Veteran's Benefits	☐ 340 Marine Injury Product		☐ 880 Defend Trade Secrets Act of 2016	☐ 480 Consumer Credit (15 USC 1681 or 1692)
☐ 160 Stockholders' Suits	☐ 345 Marine Product Liability	**LABOR**		☐ 485 Telephone Consumer Protection Act
☒ 190 Other Contract	Liability **PERSONAL PROPERTY**	☐ 710 Fair Labor Standards Act	**SOCIAL SECURITY**	☐ 490 Cable/Sat TV
☐ 195 Contract Product Liability	☐ 350 Motor Vehicle ☐ 370 Other Fraud	☐ 720 Labor/Management	☐ 861 HIA (1395ff)	☐ 850 Securities/Commodities/ Exchange
☐ 196 Franchise	☐ 355 Motor Vehicle ☐ 371 Truth in Lending	Relations	☐ 862 Black Lung (923)	☐ 890 Other Statutory Actions
	Product Liability ☐ 380 Other Personal	☐ 740 Railway Labor Act	☐ 863 DIWC/DIWW (405(g))	☐ 891 Agricultural Acts
	☐ 360 Other Personal Property Damage	☐ 751 Family and Medical	☐ 864 SSID Title XVI	☐ 893 Environmental Matters
	Injury ☐ 385 Property Damage	Leave Act	☐ 865 RSI (405(g))	☐ 895 Freedom of Information
	☐ 362 Personal Injury - Product Liability	☐ 790 Other Labor Litigation		Act
REAL PROPERTY	Medical Malpractice	☐ 791 Employee Retirement Income Security Act	**FEDERAL TAX SUITS**	☐ 896 Arbitration
☐ 210 Land Condemnation	**CIVIL RIGHTS** **PRISONER PETITIONS**		☐ 870 Taxes (U.S. Plaintiff or Defendant)	☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
☐ 220 Foreclosure	☐ 440 Other Civil Rights **Habeas Corpus:**		☐ 871 IRS—Third Party 26 USC 7609	☐ 950 Constitutionality of State Statutes
☐ 230 Rent Lease & Ejectment	☐ 441 Voting ☐ 463 Alien Detainee			
☐ 240 Torts to Land	☐ 442 Employment ☐ 510 Motions to Vacate			
☐ 245 Tort Product Liability	☐ 443 Housing/ Sentence			
☐ 290 All Other Real Property	Accommodations ☐ 530 General			
	☐ 445 Amer. w/Disabilities - ☐ 535 Death Penalty	**IMMIGRATION**		
	Employment **Other:**	☐ 462 Naturalization Application		
	☐ 446 Amer. w/Disabilities - ☐ 540 Mandamus & Other	☐ 465 Other Immigration Actions		
	Other ☐ 550 Civil Rights			
	☐ 448 Education ☐ 555 Prison Condition			
	☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN *(Place an "X" in One Box Only)*

☐ 1 Original Proceeding	☒ 2 Removed from State Court	☐ 3 Remanded from Appellate Court	☐ 4 Reinstated or Reopened	☐ 5 Transferred from Another District *(specify)*	☐ 6 Multidistrict Litigation - Transfer	☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
28 U.S.C. §§ 1332, 1441(a) and 1446(b)

Brief description of cause:
Breach of Contract

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.   **DEMAND $624,000.00+**   CHECK YES only if demanded in complaint: **JURY DEMAND:** Yes ☒ ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):   JUDGE _____   DOCKET NUMBER _____

DATE	SIGNATURE OF ATTORNEY OF RECORD
10/12/2022	/s/ Eleanor M. Yost

FOR OFFICE USE ONLY

RECEIPT # _____   AMOUNT _____   APPLYING IFP _____   JUDGE _____   MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

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I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

   (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

   (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

V. **Origin.** Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.

VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.